

I hereby certify this to be a true and correct copy of the original document on which it is based or transmitted to committee.

Chief Clerk of the House

By Shirley M. Moley

FILED JAN 28 1999

H.B. No. 937

A BILL TO BE ENTITLED

AN ACT

relating to the transfer and operation of certain child and adult nutrition programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.021, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The agency shall administer federal nutrition programs as otherwise required by law.

SECTION 2. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.025 to read as follows:

Sec. 7.025. SUMMER FOOD SERVICE PROGRAM. (a) The agency shall ensure that children residing in school districts in which 60 percent or more of the children are educationally disadvantaged have access to meals provided through the federal Summer Food Service Program. The agency shall also make the program available to as many other eligible children as possible through encouraging other school districts and appropriate entities, including local governments, colleges, churches, and nonprofit agencies, to serve as program sponsors. The commissioner shall designate an agency employee to coordinate activities necessary to comply with this subsection.

(b) Annually the agency shall identify each school district described by Subsection (a). Not later than November 30 of each year, the agency shall notify each identified district without a

1 program sponsor of the district's responsibility to provide or
2 arrange for the provision of a program during the following
3 summer.

4 (c) Not later than January 31 of the following year, each
5 notified school district shall respond to the agency and indicate
6 the district's intent to operate a program during the following
7 summer or request a waiver under Subsection (d).

8 (d) The commissioner may waive the requirement that a school
9 district operate a program if:

10 (1) the district demonstrates that:

11 (A) there are fewer than 100 educationally
12 disadvantaged children in the district;

13 (B) transportation remains an insurmountable
14 obstacle despite consultation by the district with public transit
15 providers;

16 (C) the district is unable to operate a program
17 due to renovation or construction within the district and an
18 appropriate alternative provider or site is not available; or

19 (D) the district is unable to operate a program
20 due to other extenuating circumstances and an appropriate
21 alternative provider or site is not available; and

22 (2) the district works with the agency to identify
23 other persons and agencies in the district who were contacted as
24 potential providers or sites for the program.

25 (e) The agency shall adopt and publish rules and procedures
26 for obtaining a waiver under Subsection (d). A waiver is valid for
27 a one-year period.

1 (f) If a school district has requested a waiver under
2 Subsection (d) and has been unable to provide a list of possible
3 sponsors to the agency, the agency shall continue efforts to locate
4 an alternative sponsor for the program.

5 (g) School district facilities shall be used for the program
6 unless:

7 (1) the district provides documentation, verified by
8 the agency, showing that the cost to the district exceeds the
9 funds available for the program; or

10 (2) the agency verifies that the program will operate
11 at adequate alternative facilities.

12 (h) The agency shall coordinate and combine administrative
13 procedures relating to the program with agency administrative
14 procedures relating to other school district nutritional programs
15 so that a district may use a single administrative system to
16 participate in all nutritional programs.

17 (i) Not later than November 1 of each even-numbered year,
18 the agency shall provide to the Governor's Office of Budget and
19 Planning, the Legislative Budget Board, and the state auditor a
20 report that includes:

21 (1) a listing of school districts identified under
22 Subsection (b) that have become sponsors of a program;

23 (2) a listing of school districts identified under
24 Subsection (b) that failed to satisfy the requirements of this
25 section; and

26 (3) the costs, other than amounts compensated by
27 federal funds, incurred by school districts and the state to comply

1 with this section.

2 (j) The agency shall notify members of the legislature and
3 the standing committees of the senate and house of representatives
4 having primary jurisdiction over the agency of the filing of the
5 report.

6 SECTION 3. Chapter 33, Human Resources Code, is amended by
7 adding Section 33.026 to read as follows:

8 Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM. (a) In
9 administering the federal Child and Adult Care Food Program, the
10 department shall, unless prohibited by federal law, permit a
11 sponsoring organization or other person participating in the
12 program to submit applications and other required information to
13 the department in an electronic format or through the use of
14 electronically produced forms.

15 (b) The department may implement Subsection (a) by
16 developing necessary computer systems or by using computer systems
17 developed or made available for that purpose by a sponsoring
18 organization or other appropriate person.

19 (c) Before adopting or changing a department rule, policy,
20 or policy interpretation relating to the federal Child and Adult
21 Care Food Program, the department shall submit the proposed action
22 to the department's advisory committee on that program for comment,
23 unless immediate action is required by federal law. If immediate
24 action is required by federal law, the department shall submit the
25 action for comment at the earliest possible date.

26 (d) The department shall provide written notice to each
27 sponsoring organization of any modification or clarification of

1 department rules, policies, or policy interpretations relating to
2 the federal Child and Adult Care Food Program.

3 (e) The department's advisory committee on the federal Child
4 and Adult Care Food Program may:

5 (1) conduct public hearings in accordance with
6 department procedures;

7 (2) refer issues relating to the program to the board
8 for discussion; and

9 (3) recommend modifications to the department's
10 training programs for sponsoring organizations and other persons
11 participating in the program.

12 SECTION 4. (a) On January 1, 2000, or an earlier date
13 provided by an interagency agreement between the Texas Department
14 of Human Services and the Texas Education Agency:

15 (1) all powers, duties, functions, and activities
16 relating to the federal Summer Food Service Program assigned to or
17 performed by the Texas Department of Human Services immediately
18 before January 1, 2000, are transferred to the Texas Education
19 Agency;

20 (2) all funds, obligations, and contracts of the Texas
21 Department of Human Services related to the federal Summer Food
22 Service Program are transferred to the Texas Education Agency;

23 (3) except as provided by Subsection (b) of this
24 section, all property and records in the custody of the Texas
25 Department of Human Services related to the federal Summer Food
26 Service Program and all funds appropriated by the legislature for
27 that program are transferred to the Texas Education Agency; and

1 (4) all employees of the Texas Department of Human
2 Services who primarily perform duties related to the federal Summer
3 Food Service Program become employees of the Texas Education
4 Agency, to be assigned duties by the commissioner of education.

5 (b) By interagency agreement, the Texas Department of Human
6 Services and the Texas Education Agency shall:

7 (1) transfer electronic information and automated
8 information systems relating to the federal Summer Food Service
9 Program from the Texas Department of Human Services to the Texas
10 Education Agency or make other arrangements for the use of such
11 information and systems by the Texas Education Agency; and

12 (2) seek to minimize changes in the geographical
13 employment locations of employees who are transferred from the
14 Texas Department of Human Services to the Texas Education Agency
15 under this Act.

16 (c) A rule or form adopted by the Texas Department of Human
17 Services that relates to the federal Summer Food Service Program is
18 a rule or form of the Texas Education Agency and remains in effect
19 until altered by the agency. The secretary of state is authorized
20 to adopt rules as necessary to expedite the implementation of this
21 subsection.

22 (d) A reference in law to the Texas Department of Human
23 Services that relates to the federal Summer Food Service Program
24 means the Texas Education Agency.

25 SECTION 5. (a) The transfer of powers, duties, functions,
26 programs, and activities under this Act does not affect or impair
27 any act done, any obligation, right, order, license, permit, rule,

1 criterion, standard, or requirement existing, any investigation
2 begun, or any penalty accrued under former law, and that law
3 remains in effect for any action concerning those matters.

4 (b) An action brought or proceeding commenced before the
5 effective date of this Act, including a contested case or a remand
6 of an action or proceeding by a reviewing court, is governed by the
7 law and rules applicable to the action or proceeding before the
8 effective date of this Act.

9 SECTION 6. Section 33.024, Human Resources Code, is
10 repealed.

11 SECTION 7. (a) Except as provided by Subsection (b) of this
12 section, this Act takes effect September 1, 1999.

13 (b) Sections 2 and 6 of this Act take effect January 1,
14 2000.

15 SECTION 8. The importance of this legislation and the
16 crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

99 APR 29 AM 11:49
HOUSE OF REPRESENTATIVES

1st Printing

By Maxey

H.B. No. 937

Substitute the following for H.B. No. 937:

By Olivo

C.S.H.B. No. 937

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain food programs administered by the Texas Department of Human Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.024, Human Resources Code, is amended by adding Subsections (k)-(m) to read as follows:

(k) The department shall develop and implement an outreach program to increase participation in the summer program if funds are appropriated or otherwise made available for that purpose. The department shall design the outreach program to:

(1) increase participation of children from low-income families;

(2) increase the number of summer programs offered across this state, with particular emphasis on increasing programs in needy communities;

(3) encourage school districts and public and private nonprofit agencies to form partnerships to develop summer programs that combine educational activities, such as reading enrichment, with the provision of meals; and

(4) promote any other goal established by the department relating to increased participation in the summer program.

(l) The outreach program required by Subsection (k) must target communities and schools that have the highest percentage of

1 eligible children and include:

2 (1) presentations to public schools, public entities,
3 and private nonprofit agencies that would be eligible to
4 participate in the summer program;

5 (2) dissemination of information regarding eligibility
6 requirements and application procedures;

7 (3) continual support and technical assistance to
8 existing programs to increase participation levels and to ensure
9 that the programs continue to operate; and

10 (4) public service announcements that publicize the
11 summer program and that appear on local television and radio
12 stations.

13 (m) The department shall administer a grant program designed
14 to encourage eligible organizations to serve as local sponsors or
15 meal preparation sites for the summer program by awarding a
16 financial supplement for each meal served from funds appropriated
17 or otherwise made available for that purpose.

18 SECTION 2. Chapter 33, Human Resources Code, is amended by
19 adding Section 33.026 to read as follows:

20 Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED
21 NOTICES AND ADVISORY COMMITTEE AUTHORITY. (a) Before adopting or
22 changing a department rule or policy relating to the federal Child
23 and Adult Care Food Program, the department shall submit the
24 proposed action to the department's advisory committee on that
25 program for comment, unless immediate action is required by federal
26 law. If immediate action is required by federal law, the
27 department shall submit the action for comment at the earliest

1 possible date.

2 (b) The department shall provide written notice to each
3 sponsoring organization of any modification or clarification of
4 department rules or policies relating to the federal Child and
5 Adult Care Food Program. Notice provided through electronic mail
6 is considered to be written notice for purposes of this subsection.

7 (c) The department's advisory committee on the federal Child
8 and Adult Care Food Program may:

9 (1) conduct public hearings in accordance with
10 department procedures;

11 (2) refer issues relating to the program to the board
12 for discussion; and

13 (3) recommend modifications to the department's
14 training programs for sponsoring organizations and other persons
15 participating in the program.

16 SECTION 3. Chapter 33, Human Resources Code, is amended by
17 adding Section 33.027 to read as follows:

18 Sec. 33.027. CHILD AND ADULT CARE FOOD PROGRAM: ELECTRONIC
19 FILING. (a) In administering the federal Child and Adult Care
20 Food Program, the department shall, unless prohibited by federal
21 law, permit a sponsoring organization or other person participating
22 in the program to submit applications and other required
23 information to the department in an electronic format or through
24 the use of electronically produced forms.

25 (b) The department may implement Subsection (a) by
26 developing necessary computer systems or by using computer systems
27 developed or made available for that purpose by a sponsoring

1 organization or other appropriate person.

2 SECTION 4. (a) Except as provided by Subsection (b) of this
3 section, this Act takes effect September 1, 1999.

4 (b) Section 3 of this Act takes effect January 1, 2001.

5 SECTION 5. The importance of this legislation and the
6 crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

4-20-99
(date)

Sir:

We, your COMMITTEE ON PUBLIC EDUCATION

to whom was referred HB 937 have had the same under consideration and beg to report back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
(✓) yes () no A fiscal note was requested.
() yes (✓) no A criminal justice policy impact statement was requested.
(✓) yes () no An equalized educational funding impact statement was requested.
() yes (✓) no An actuarial analysis was requested.
() yes (✓) no A water development policy impact statement was requested.
() yes (✓) no A tax equity note was requested.
(✓) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Sadler, Chair	✓			
Dutton, Vice-chair	✓			
Dunnam				✓
Grusendorf	✓			
Hochberg	✓			
Lengefeld	✓			
Oliveira	✓			
Olivo	✓			
Smith	✓			

Total

<u>8</u>	aye
<u>0</u>	nay
<u>0</u>	present, not voting
<u>1</u>	absent

Paul R. Sadler
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

C.S.H.B. 937

By: Maxey

Public Education

4/28/1999

Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, two different state agencies administer federally-funded food service programs. The Texas Education Agency (TEA) administers the National School Lunch Program and the School Breakfast Program for public schools and the Texas Department of Human Services (DHS) administers the Summer Food Service Program. Recent federal legislation (H.R. 3874) requires a state agency that administers any combination of child nutrition programs to maintain a single application and reimbursement procedure for all of the programs. C.S.H.B. 937 transfers the administration of the Summer Food Services Program from the DHS to the TEA, allowing school districts to take advantage of a single application and reimbursement procedure for all three programs. Additionally, the TEA will be required to seek sponsors for the summer food programs in order to make the program available to as many children as possible.

DHS also administers the federally funded Child and Adult Care Food Program (CACFP). Currently, DHS will not accept any form electronically. C.S.H.B. 937 requires DHS to accept applications and other pertinent information electronically and to accept electronically created forms, thus easing the burden on the sponsoring organizations. This bill also requires a change or clarification in DHS's interpretation of policy to be reviewed by the CACFP Advisory Committee.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state office, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.024, Human Resources Code, by adding Subsections (k)-(m), as follows:

(k) Requires the Department of Human Services (DHS) to develop and implement an outreach program (program) to increase participation in the summer program if funds are appropriated or otherwise made available for that purpose. Requires DHS to design the program to increase participation of children from low-income families and the number of summer programs offered across this state; encourage school districts (districts) and public and private nonprofit agencies to form partnerships to develop summer programs that combine educational activities; and promote any other goal established by DHS relating to increased participation in the summer program.

(l) Provides that the program required by Subsection (k) must target communities and schools with the highest percentage of eligible children and include presentations to public schools, public entities, and private nonprofit agencies eligible for program participation; dissemination of information regarding eligibility requirements and application procedures; continual support and technical assistance to existing programs; and public service announcements publicizing the summer program.

(m) Requires DHS to administer a grant program designed to encourage eligible organizations to serve as local sponsors or meal preparation sites for the summer program by awarding a financial supplement for each meal served from funds appropriated or otherwise

made available for that purpose.

SECTION 2. Amends Chapter 33, Human Resources Code, by adding Section 33.026, as follows:

Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED NOTICES AND ADVISORY COMMITTEE AUTHORITY. (a) Requires DHS, before adopting or changing DHS rule or policy relating to the federal Child and Adult Care Food Program(CACFP), to submit the proposed action to DHS' advisory committee on that program for comment, unless immediate action is required by federal law, in which case DHS is required to submit the action for comment at the earliest possible date.

(b) Requires DHS to provide written notice to each sponsoring organization of any modification or clarification of DHS rules or policies relating to the federal CACFP. Provides that notice provided through electronic mail is considered to be written notice for purposes of this subsection.

(c) Authorizes DHS' advisory committee on the federal CACFP to conduct public hearings in accordance with departmental procedures, refer issues relating to the CACFP to the Texas Board of Human Services for discussion, and recommend modifications to DHS training programs for sponsoring organizations and other persons participating in the program.

SECTION 3. Amends Chapter 33, Human Resources Code, by adding Section 33.027, as follows:

Sec. 33.027. CHILD AND ADULT CARE FOOD PROGRAM: ELECTRONIC FILING. (a) Requires DHS, in administering the federal CACFP, unless prohibited by federal law, to permit a sponsoring organization or other person participating in the program to submit applications and other required information to DHS in an electronic format of through the use of electronically produced forms.

(b) Authorizes DHS to implement Subsection (a) by developing necessary computer systems or by using computer systems developed or made available for that purpose by a sponsoring organization or other appropriate person.

SECTION 4. (a) Effective date: September 1, 1999, with the exception of SECTION 3 of this Act, which takes effect January 1, 2001.

SECTION 5. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 937 differs from the original as follows:

The substitute deletes SECTIONS 1 and 2 of the original, which amend, respectively, Section 7.021, Education Code, by adding Subsection (d); and Subchapter B, Chapter 7, Education Code, by adding Section 7.025 (Summer Food Service Program).

SECTION 1 of the substitute adds new Subsections (k)-(m) to Section 32.024, Human Resources Code. With respect to the new Section, please see the Section-by-Section Analysis in this document for the full text.

SECTION 2 of the substitute is redesignated from SECTION 3 (proposed Section 33.026, Human Resources Code) of the original with modifications as follows:

Sec. 33.026. The substitute changes the title of this section from "Child and Adult Care Food Program" in the original to "Child and Adult Care Food Program: Required Notices and Advisory Committee Authority." (a) Redesignated from Subsection (c) of the original. Deletes proposed Subsection (c), which required DHS, in administering this program, unless prohibited by federal law, to permit a sponsoring organization or other person participating

in the program to submit applications and other required information to DHS in an electronic format or through use of electronically produced forms.

Proposed subsections (b) of the original is deleted. This subsection addressed authorization to DHS to implement Subsection (a), deleted by the substitute, by developing necessary computer systems or using a computer system developed or made available by a sponsoring organization or other appropriate person.

(b) Redesignated from proposed Subsection (d) of the original. Requires DHS to provide written notice to each sponsoring organization of any modification or clarification of DHS rules or policies, rather than rules, policies, or policy interpretation, relating to the federal CACFP. The substitute further provides that notice provided through electronic mail is considered to be written notice for purposes of this subsection.

(c) Redesignated from proposed Subsection (e) of the original.

SECTION 3 (proposed Section 33.027, Human Resources Code) is added by the substitute. Please see the Section-by-Section Analysis in this document.

The substitute deletes SECTIONS 4, 5, and 6 of the original bill. SECTION 4 of the original addresses transfer of powers, duties, function, activities, funds, obligations, contracts, property, records, employees, electronic information, and automated systems of DHS related to the Summer Food Service Program to the Texas Education Agency, and further details procedural issues of this transfer. SECTION 5 makes certain aspects of the original Act prospective, and SECTION 6 repeals Section 33.024 (Summer Food Service Program), Human Resources Code.

SECTION 4 of the substitute is redesignated from SECTION 7 of the original, and provides an effective date of September 1, 1999, with the exception of SECTION 3, which takes effect January 1, 2001. The original bill made an exception of SECTIONS 2 and 6, which were to take effect January 1, 2000.

SECTION 5 (emergency clause) of the substitute is redesignated from SECTION 8 of the original.

SUMMARY OF COMMITTEE ACTION

HB 937

March 29, 1999 2:00PM
Considered in public hearing
Testimony taken in committee
Left pending in committee

April 20, 1999 2:00PM
Considered in public hearing
Committee substitute considered in committee
Recommended to be sent to Local & Consent
Reported favorably as substituted

WITNESS LIST

HB 937
HOUSE COMMITTEE REPORT
Public Education Committee

March 29, 1999 - 2:00PM

For: Hagert, Celia (Center for Public Policy Priorities)
On: Foshko, Sally (Texas Department of Human Services)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 28, 1999

TO: Honorable Paul Sadler, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB937** by Maxey (relating to the operation of certain food programs administered by the Texas Department of Human Services), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, CT, PP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 29, 1999

TO: Honorable Paul Sadler, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB937 by Maxey (Relating to the transfer and operation of certain child and adult nutrition programs), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB937, As Introduced: negative impact of \$(591,000) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(408,000)
2001	(183,000)
2002	(183,000)
2003	(183,000)
2004	(183,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (408,000)	5.0
2001	(183,000)	5.0
2002	(183,000)	5.0
2003	(183,000)	5.0
2004	(183,000)	5.0

Technology Impact

The transfer of this program to the Texas Education Agency (TEA) would necessitate the revision of the Child Nutrition Program Information Management System (CNPIMS). Recent federal legislation requires a single consolidated agreement and claim form for all CNP programs administered by a single state agency. All agency systems would have to be revised to handle payments to non-school entities. It is estimated that this would cost approximately \$250,000 in FY 2000 and \$25,000 annually for maintenance thereafter.

Fiscal Analysis

The bill amends the Texas Education Code and the Human Resources Code as they pertain to the provision of federal nutrition programs. The legislation adds administration of federal nutrition programs to the powers and duties of the TEA, transfers the Summer Food Program from the Texas Department of Human Services (TDHS) to TEA, and requires TEA to engage in new outreach activities related to the Summer Food Program. The bill also amends the administration of the Child and Adult

Care Food Program within TDHS.

The transfer of the existing Summer Food Program does not have a net fiscal impact on the state, although it has a significant impact on both TEA and TDHS. The Summer Food Program federal grant is approximately \$20,000,000 per year, of which approximately \$600,000 is available for administration. The interagency agreement to transfer the program stipulated by the legislation would address funds for the program and appropriate staff transfer.

The legislation expands the responsibilities of the agency administering the program, however, and this expansion would require new activities by TEA. Since the agency does not currently engage in any such activities, this estimate assumes that the agency would need additional staff and resources to carry out the new duties. Therefore, the general revenue impact is related to the outreach efforts required in the bill, which exceed the available federal funding related to this program.

TEA would be required to ensure access of students in certain districts have access to the Summer Food Service Program and to encourage participation in the program by other entities, including non-school organizations. The bill apparently requires each district with a concentration of 60% or more educationally disadvantaged (low-income) students to serve as a program sponsor, unless a waiver is granted. TEA is directed to coordinate the summer program with other school district nutritional programs. A report must also be provided by November 1 of each even-numbered year to the Governor's Office of Budget and Planning, Legislative Budget Board, and the state auditor concerning efforts to provide the summer program.

Methodology

All funds, obligations, and contracts, property and records of TDHS related to the Summer Food Service Program would be transferred to TEA. All employees of the TDHS who primarily perform duties related to this program would become employees of the TEA.

TDHS currently has 10 employees in the Austin area who on this program. Since the Program only operates in the summer, the majority of these employees only work on the Program for approximately eight months (January-August). Since the bill includes a significant outreach provision, it is estimated that TEA would have 15 staff working twelve months of the year to comply with this provision and to administer the existing program. This staffing would largely represent the conversion of the 16 part-time individuals (10 FTEs) converting to full-time, full-year status at a cost of approximately \$182,000 per year. The program also has compliance monitoring and site inspection components, and this estimate increases the program's current travel budget of \$33,000 to \$60,000 to comply with the outreach requirement. Additional office space would have to be secured for the 15 staff, at an estimated cost of \$30,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office Of The Governor, 308 State Auditor's Office, 324 Department of Human Services, 701 Texas Education Agency - Administration

LBB Staff: JK, CT, RN, UP

LEGISLATIVE BUDGET BOARD
Equalized Education Funding Impact Statement

April 28, 1999

TO: Honorable Paul Sadler, Chair
Committee on Public Education
House
Austin, Texas

IN RE: House Bill No. 937,
Committee Report 1st House,
Substituted
By: Maxey

FROM: John Keel, Director

In response to your request for a Equalized Education Funding Impact Statement on HB937 (relating to the operation of certain food programs administered by the Texas Department of Human Services) this office has determined the following:

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

LEGISLATIVE BUDGET BOARD
Equalized Education Funding Impact Statement

March 23, 1999

TO: Honorable Paul Sadler, Chair
Committee on Public Education
House
Austin, Texas

IN RE: House Bill No. 937
By: Maxey

FROM: John Keel, Director

In response to your request for a Equalized Education Funding Impact Statement on HB937 (Relating to the transfer and operation of certain child and adult nutrition programs) this office has determined the following:

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

ADOPTED

MAY 11 1999

Sharon Carter
Chief Clerk
House of Representatives

By Maxey

H.B. No. 937

Substitute the following for H.B. No. 937:

By OLIVO

C.S. H.B. No. 937

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain food programs administered by the Texas Department of Human Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.024, Human Resources Code, is amended by adding Subsections (k)-(m) to read as follows:

(k) The department shall develop and implement an outreach program to increase participation in the summer program if funds are appropriated or otherwise made available for that purpose. The department shall design the outreach program to:

(1) increase participation of children from low-income families;

(2) increase the number of summer programs offered across this state, with particular emphasis on increasing programs in needy communities;

(3) encourage school districts and public and private nonprofit agencies to form partnerships to develop summer programs that combine educational activities, such as reading enrichment, with the provision of meals; and

(4) promote any other goal established by the department relating to increased participation in the summer program.

(l) The outreach program required by Subsection (k) must target communities and schools that have the highest percentage of

1 eligible children and include:

2 (1) presentations to public schools, public entities,
3 and private nonprofit agencies that would be eligible to
4 participate in the summer program;

5 (2) dissemination of information regarding eligibility
6 requirements and application procedures;

7 (3) continual support and technical assistance to
8 existing programs to increase participation levels and to ensure
9 that the programs continue to operate; and

10 (4) public service announcements that publicize the
11 summer program and that appear on local television and radio
12 stations.

13 (m) The department shall administer a grant program designed
14 to encourage eligible organizations to serve as local sponsors or
15 meal preparation sites for the summer program by awarding a
16 financial supplement for each meal served from funds appropriated
17 or otherwise made available for that purpose.

18 SECTION 2. Chapter 33, Human Resources Code, is amended by
19 adding Section 33.026 to read as follows:

20 Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED
21 NOTICES AND ADVISORY COMMITTEE AUTHORITY. (a) Before adopting or
22 changing a department rule or policy relating to the federal Child
23 and Adult Care Food Program, the department shall submit the
24 proposed action to the department's advisory committee on that
25 program for comment, unless immediate action is required by federal
26 law. If immediate action is required by federal law, the
27 department shall submit the action for comment at the earliest

1 possible date.

2 (b) The department shall provide written notice to each
3 sponsoring organization of any modification or clarification of
4 department rules or policies relating to the federal Child and
5 Adult Care Food Program. Notice provided through electronic mail
6 is considered to be written notice for purposes of this subsection.

7 (c) The department's advisory committee on the federal Child
8 and Adult Care Food Program may:

9 (1) conduct public hearings in accordance with
10 department procedures;

11 (2) refer issues relating to the program to the board
12 for discussion; and

13 (3) recommend modifications to the department's
14 training programs for sponsoring organizations and other persons
15 participating in the program.

16 SECTION 3. Chapter 33, Human Resources Code, is amended by
17 adding Section 33.027 to read as follows:

18 Sec. 33.027. CHILD AND ADULT CARE FOOD PROGRAM: ELECTRONIC
19 FILING. (a) In administering the federal Child and Adult Care
20 Food Program, the department shall, unless prohibited by federal
21 law, permit a sponsoring organization or other person participating
22 in the program to submit applications and other required
23 information to the department in an electronic format or through
24 the use of electronically produced forms.

25 (b) The department may implement Subsection (a) by
26 developing necessary computer systems or by using computer systems
27 developed or made available for that purpose by a sponsoring

1 organization or other appropriate person.

2 SECTION 4. (a) Except as provided by Subsection (b) of this
3 section, this Act takes effect September 1, 1999.

4 (b) Section 3 of this Act takes effect January 1, 2001.

5 SECTION 5. The importance of this legislation and the
6 crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended.

F

HOUSE ENGROSSMENT

By Maxey

H.B. No. 937

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain food programs administered by the Texas Department of Human Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.024, Human Resources Code, is amended by adding Subsections (k)-(m) to read as follows:

(k) The department shall develop and implement an outreach program to increase participation in the summer program if funds are appropriated or otherwise made available for that purpose. The department shall design the outreach program to:

(1) increase participation of children from low-income families;

(2) increase the number of summer programs offered across this state, with particular emphasis on increasing programs in needy communities;

(3) encourage school districts and public and private nonprofit agencies to form partnerships to develop summer programs that combine educational activities, such as reading enrichment, with the provision of meals; and

(4) promote any other goal established by the department relating to increased participation in the summer program.

(l) The outreach program required by Subsection (k) must target communities and schools that have the highest percentage of

eligible children and include:

(1) presentations to public schools, public entities, and private nonprofit agencies that would be eligible to participate in the summer program;

(2) dissemination of information regarding eligibility requirements and application procedures;

(3) continual support and technical assistance to existing programs to increase participation levels and to ensure that the programs continue to operate; and

(4) public service announcements that publicize the summer program and that appear on local television and radio stations.

(m) The department shall administer a grant program designed to encourage eligible organizations to serve as local sponsors or meal preparation sites for the summer program by awarding a financial supplement for each meal served from funds appropriated or otherwise made available for that purpose.

SECTION 2. Chapter 33, Human Resources Code, is amended by adding Section 33.026 to read as follows:

Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED NOTICES AND ADVISORY COMMITTEE AUTHORITY. (a) Before adopting or changing a department rule or policy relating to the federal Child and Adult Care Food Program, the department shall submit the proposed action to the department's advisory committee on that program for comment, unless immediate action is required by federal law. If immediate action is required by federal law, the department shall submit the action for comment at the earliest

1 possible date.

2 (b) The department shall provide written notice to each
3 sponsoring organization of any modification or clarification of
4 department rules or policies relating to the federal Child and
5 Adult Care Food Program. Notice provided through electronic mail
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8 and Adult Care Food Program may:

9 (1) conduct public hearings in accordance with
10 department procedures;

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21 law, permit a sponsoring organization or other person participating
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23 information to the department in an electronic format or through
24 the use of electronically produced forms.

25 (b) The department may implement Subsection (a) by
26 developing necessary computer systems or by using computer systems
27 developed or made available for that purpose by a sponsoring

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1 organization or other appropriate person.

2 SECTION 4. (a) Except as provided by Subsection (b) of this
3 section, this Act takes effect September 1, 1999.

4 (b) Section 3 of this Act takes effect January 1, 2001.

5 SECTION 5. The importance of this legislation and the
6 crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 28, 1999

TO: Honorable Paul Sadler, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB937 by Maxey (relating to the operation of certain food programs administered by the Texas Department of Human Services), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, CT, PP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 29, 1999

TO: Honorable Paul Sadler, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB937 by Maxey (Relating to the transfer and operation of certain child and adult nutrition programs), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB937, As Introduced: negative impact of \$(591,000) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$(408,000)
2001	(183,000)
2002	(183,000)
2003	(183,000)
2004	(183,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (408,000)	5.0
2001	(183,000)	5.0
2002	(183,000)	5.0
2003	(183,000)	5.0
2004	(183,000)	5.0

Technology Impact

The transfer of this program to the Texas Education Agency (TEA) would necessitate the revision of the Child Nutrition Program Information Management System (CNPIMS). Recent federal legislation requires a single consolidated agreement and claim form for all CNP programs administered by a single state agency. All agency systems would have to be revised to handle payments to non-school entities. It is estimated that this would cost approximately \$250,000 in FY 2000 and \$25,000 annually for maintenance thereafter.

Fiscal Analysis

The bill amends the Texas Education Code and the Human Resources Code as they pertain to the provision of federal nutrition programs. The legislation adds administration of federal nutrition programs to the powers and duties of the TEA, transfers the Summer Food Program from the Texas Department of Human Services (TDHS) to TEA, and requires TEA to engage in new outreach activities related to the Summer Food Program. The bill also amends the administration of the Child and Adult

Care Food Program within TDHS.

The transfer of the existing Summer Food Program does not have a net fiscal impact on the state, although it has a significant impact on both TEA and TDHS. The Summer Food Program federal grant is approximately \$20,000,000 per year, of which approximately \$600,000 is available for administration. The interagency agreement to transfer the program stipulated by the legislation would address funds for the program and appropriate staff transfer.

The legislation expands the responsibilities of the agency administering the program, however, and this expansion would require new activities by TEA. Since the agency does not currently engage in any such activities, this estimate assumes that the agency would need additional staff and resources to carry out the new duties. Therefore, the general revenue impact is related to the outreach efforts required in the bill, which exceed the available federal funding related to this program.

TEA would be required to ensure access of students in certain districts have access to the Summer Food Service Program and to encourage participation in the program by other entities, including non-school organizations. The bill apparently requires each district with a concentration of 60% or more educationally disadvantaged (low-income) students to serve as a program sponsor, unless a waiver is granted. TEA is directed to coordinate the summer program with other school district nutritional programs. A report must also be provided by November 1 of each even-numbered year to the Governor's Office of Budget and Planning, Legislative Budget Board, and the state auditor concerning efforts to provide the summer program.

Methodology

All funds, obligations, and contracts, property and records of TDHS related to the Summer Food Service Program would be transferred to TEA. All employees of the TDHS who primarily perform duties related to this program would become employees of the TEA.

TDHS currently has 10 employees in the Austin area who on this program. Since the Program only operates in the summer, the majority of these employees only work on the Program for approximately eight months (January-August). Since the bill includes a significant outreach provision, it is estimated that TEA would have 15 staff working twelve months of the year to comply with this provision and to administer the existing program. This staffing would largely represent the conversion of the 16 part-time individuals (10 FTEs) converting to full-time, full-year status at a cost of approximately \$182,000 per year. The program also has compliance monitoring and site inspection components, and this estimate increases the program's current travel budget of \$33,000 to \$60,000 to comply with the outreach requirement. Additional office space would have to be secured for the 15 staff, at an estimated cost of \$30,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office Of The Governor, 308 State Auditor's Office, 324 Department of Human Services, 701 Texas Education Agency - Administration

LBB Staff: JK, CT, RN, UP

LEGISLATIVE BUDGET BOARD
Equalized Education Funding Impact Statement

April 28, 1999

TO: Honorable Paul Sadler, Chair
Committee on Public Education
House
Austin, Texas

IN RE: House Bill No. 937,
Committee Report 1st House,
Substituted
By: Maxey

FROM: John Keel, Director

In response to your request for a Equalized Education Funding Impact Statement on HB937 (relating to the operation of certain food programs administered by the Texas Department of Human Services) this office has determined the following:

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

LEGISLATIVE BUDGET BOARD

Equalized Education Funding Impact Statement

March 23, 1999

TO: Honorable Paul Sadler, Chair
Committee on Public Education
House
Austin, Texas

IN RE: House Bill No. 937
By: Maxey

FROM: John Keel, Director

In response to your request for a Equalized Education Funding Impact Statement on HB937 (Relating to the transfer and operation of certain child and adult nutrition programs) this office has determined the following:

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

1-1 By: Maxey (Senate Sponsor - Ellis) H.B. No. 937
1-2 (In the Senate - Received from the House May 11, 1999;
1-3 May 12, 1999, read first time and referred to Committee on Human
1-4 Services; May 14, 1999, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 14, 1999, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the operation of certain food programs administered by
1-9 the Texas Department of Human Services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 33.024, Human Resources Code, is amended
1-12 by adding Subsections (k)-(m) to read as follows:

1-13 (k) The department shall develop and implement an outreach
1-14 program to increase participation in the summer program if funds
1-15 are appropriated or otherwise made available for that purpose. The
1-16 department shall design the outreach program to:

1-17 (1) increase participation of children from low-income
1-18 families;

1-19 (2) increase the number of summer programs offered
1-20 across this state, with particular emphasis on increasing programs
1-21 in needy communities;

1-22 (3) encourage school districts and public and private
1-23 nonprofit agencies to form partnerships to develop summer programs
1-24 that combine educational activities, such as reading enrichment,
1-25 with the provision of meals; and

1-26 (4) promote any other goal established by the
1-27 department relating to increased participation in the summer
1-28 program.

1-29 (l) The outreach program required by Subsection (k) must
1-30 target communities and schools that have the highest percentage of
1-31 eligible children and include:

1-32 (1) presentations to public schools, public entities,
1-33 and private nonprofit agencies that would be eligible to
1-34 participate in the summer program;

1-35 (2) dissemination of information regarding eligibility
1-36 requirements and application procedures;

1-37 (3) continual support and technical assistance to
1-38 existing programs to increase participation levels and to ensure
1-39 that the programs continue to operate; and

1-40 (4) public service announcements that publicize the
1-41 summer program and that appear on local television and radio
1-42 stations.

1-43 (m) The department shall administer a grant program designed
1-44 to encourage eligible organizations to serve as local sponsors or
1-45 meal preparation sites for the summer program by awarding a
1-46 financial supplement for each meal served from funds appropriated
1-47 or otherwise made available for that purpose.

1-48 SECTION 2. Chapter 33, Human Resources Code, is amended by
1-49 adding Section 33.026 to read as follows:

1-50 Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED
1-51 NOTICES AND ADVISORY COMMITTEE AUTHORITY. (a) Before adopting or
1-52 changing a department rule or policy relating to the federal Child
1-53 and Adult Care Food Program, the department shall submit the
1-54 proposed action to the department's advisory committee on that
1-55 program for comment, unless immediate action is required by federal
1-56 law. If immediate action is required by federal law, the
1-57 department shall submit the action for comment at the earliest
1-58 possible date.

1-59 (b) The department shall provide written notice to each
1-60 sponsoring organization of any modification or clarification of
1-61 department rules or policies relating to the federal Child and
1-62 Adult Care Food Program. Notice provided through electronic mail
1-63 is considered to be written notice for purposes of this subsection.

1-64 (c) The department's advisory committee on the federal Child

2-1 and Adult Care Food Program may:

2-2 (1) conduct public hearings in accordance with
2-3 department procedures;

2-4 (2) refer issues relating to the program to the board
2-5 for discussion; and

2-6 (3) recommend modifications to the department's
2-7 training programs for sponsoring organizations and other persons
2-8 participating in the program.

2-9 SECTION 3. Chapter 33, Human Resources Code, is amended by
2-10 adding Section 33.027 to read as follows:

2-11 Sec. 33.027. CHILD AND ADULT CARE FOOD PROGRAM: ELECTRONIC
2-12 FILING. (a) In administering the federal Child and Adult Care
2-13 Food Program, the department shall, unless prohibited by federal
2-14 law, permit a sponsoring organization or other person participating
2-15 in the program to submit applications and other required
2-16 information to the department in an electronic format or through
2-17 the use of electronically produced forms.

2-18 (b) The department may implement Subsection (a) by
2-19 developing necessary computer systems or by using computer systems
2-20 developed or made available for that purpose by a sponsoring
2-21 organization or other appropriate person.

2-22 SECTION 4. (a) Except as provided by Subsection (b) of this
2-23 section, this Act takes effect September 1, 1999.

2-24 (b) Section 3 of this Act takes effect January 1, 2001.

2-25 SECTION 5. The importance of this legislation and the
2-26 crowded condition of the calendars in both houses create an
2-27 emergency and an imperative public necessity that the
2-28 constitutional rule requiring bills to be read on three several
2-29 days in each house be suspended, and this rule is hereby suspended.

2-30 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 937
By Marey I Ellis
(Author/Senate Sponsor)
May 14, 1999
(date)

Sir:

We, your Committee on HUMAN SERVICES, to which was referred the attached measure,
have on May 14, 1999, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Zaffirini, Chair	<input checked="" type="checkbox"/>			
Senator Carona, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Bernsen	<input checked="" type="checkbox"/>			
Senator Gallegos	<input checked="" type="checkbox"/>			
Senator Harris	<input checked="" type="checkbox"/>			
TOTAL VOTES	5	0	0	0

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Scott Caffey
COMMITTEE CLERK

Zaffirini
CHAIR

WITNESS LIST

HB 937
SENATE COMMITTEE REPORT
Human Services Committee

May 14, 1999 - 7:00A

Registering, but not testifying:

On: Foshko, Sally (Texas Department of Human Services), Austin

BILL ANALYSIS

Senate Research Center

H.B. 937
By: Maxey (Ellis)
Human Services
5/13/1999
Engrossed

DIGEST

Currently, two different state agencies administer federally-funded food service programs. The Texas Department of Human Services (DHS) administers the Summer Food Service Program. Recent federal legislation (H.R. 3874) requires a state agency that administers any combination of child nutrition programs to maintain a single application and reimbursement procedure for all of the programs. This bill will require the development and implementation of an outreach program to promote the summer food services program.

PURPOSE

As proposed, H.B. 937 establishes provisions regarding the operation of certain food programs administered by the Texas Department of Human Services.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.024, Human Resources Code, by adding Subsections (k)-(m), as follows: Requires the Department of Human Services (DHS) to develop and implement an outreach program (program) to increase participation in the summer program if funds are appropriated or otherwise made available for that purpose. Requires DHS to design the program to increase participation of children from low-income families and the number of summer programs offered across this state; encourage school districts (districts) and public and private nonprofit agencies to form partnerships to develop summer programs that combine educational activities; and promote any other goal established by DHS relating to increased participation in the summer program. Provides that the program required by Subsection (k) must target communities and schools with the highest percentage of eligible children and include presentations to public schools, public entities, and private nonprofit agencies eligible for program participation; dissemination of information regarding eligibility requirements and application procedures; continual support and technical assistance to existing programs; and public service announcements publicizing the summer program. Requires DHS to administer a grant program designed to encourage eligible organizations to serve as local sponsors or meal preparation sites for the summer program by awarding a financial supplement for each meal served from funds appropriated or otherwise made available for that purpose.

SECTION 2. Amends Chapter 33, Human Resources Code, by adding Section 33.026, as follows:

Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED NOTICES AND ADVISORY COMMITTEE AUTHORITY. Requires DHS, before adopting or changing DHS rule or policy relating to the federal Child and Adult Care Food Program(CACFP), to submit the proposed action to DHS' advisory committee on that program for comment, unless immediate action is required by federal law, in which case DHS is required to submit the action for comment at the earliest possible date. Requires DHS to provide written notice to each sponsoring organization of any modification or clarification of DHS rules or policies relating to the federal CACFP. Provides that notice provided through electronic mail is considered to be written notice for purposes of this subsection. Authorizes DHS' advisory committee on the federal CACFP to conduct public

hearings in accordance with departmental procedures, refer issues relating to the CACFP to the Texas Board of Human Services for discussion, and recommend modifications to DHS training programs for sponsoring organizations and other persons participating in the program.

SECTION 3. Amends Chapter 33, Human Resources Code, by adding Section 33.027, as follows:

Sec. 33.027. CHILD AND ADULT CARE FOOD PROGRAM: ELECTRONIC FILING. Requires DHS, in administering the federal CACFP, unless prohibited by federal law, to permit a sponsoring organization or other person participating in the program to submit applications and other required information to DHS in an electronic format or through the use of electronically produced forms. Authorizes DHS to implement Subsection (a) by developing necessary computer systems or by using computer systems developed or made available for that purpose by a sponsoring organization or other appropriate person.

SECTION 4. Effective date: September 1, 1999, with the exception of SECTION 3 of this Act, which takes effect January 1, 2001.

SECTION 5. Emergency clause.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 13, 1999

TO: Honorable Judith Zaffirini, Chair, Senate Committee on Human Services

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB937** by Maxey (Relating to the operation of certain food programs administered by the Texas Department of Human Services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.
--

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, TP, CT, PP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 28, 1999

TO: Honorable Paul Sadler, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB937** by Maxey (relating to the operation of certain food programs administered by the Texas Department of Human Services), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

Local Government Impact

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Source Agencies:

LBB Staff: JK, CT, PP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

March 29, 1999

TO: Honorable Paul Sadler, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB937 by Maxey (Relating to the transfer and operation of certain child and adult nutrition programs), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB937, As Introduced: negative impact of \$(591,000) through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
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All Funds, Five-Year Impact:

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Technology Impact

The transfer of this program to the Texas Education Agency (TEA) would necessitate the revision of the Child Nutrition Program Information Management System (CNPIMS). Recent federal legislation requires a single consolidated agreement and claim form for all CNP programs administered by a single state agency. All agency systems would have to be revised to handle payments to non-school entities. It is estimated that this would cost approximately \$250,000 in FY 2000 and \$25,000 annually for maintenance thereafter.

Fiscal Analysis

The bill amends the Texas Education Code and the Human Resources Code as they pertain to the provision of federal nutrition programs. The legislation adds administration of federal nutrition programs to the powers and duties of the TEA, transfers the Summer Food Program from the Texas Department of Human Services (TDHS) to TEA, and requires TEA to engage in new outreach activities related to the Summer Food Program. The bill also amends the administration of the Child and Adult

Care Food Program within TDHS.

The transfer of the existing Summer Food Program does not have a net fiscal impact on the state, although it has a significant impact on both TEA and TDHS. The Summer Food Program federal grant is approximately \$20,000,000 per year, of which approximately \$600,000 is available for administration. The interagency agreement to transfer the program stipulated by the legislation would address funds for the program and appropriate staff transfer.

The legislation expands the responsibilities of the agency administering the program, however, and this expansion would require new activities by TEA. Since the agency does not currently engage in any such activities, this estimate assumes that the agency would need additional staff and resources to carry out the new duties. Therefore, the general revenue impact is related to the outreach efforts required in the bill, which exceed the available federal funding related to this program.

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Methodology

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TDHS currently has 10 employees in the Austin area who on this program. Since the Program only operates in the summer, the majority of these employees only work on the Program for approximately eight months (January-August). Since the bill includes a significant outreach provision, it is estimated that TEA would have 15 staff working twelve months of the year to comply with this provision and to administer the existing program. This staffing would largely represent the conversion of the 16 part-time individuals (10 FTEs) converting to full-time, full-year status at a cost of approximately \$182,000 per year. The program also has compliance monitoring and site inspection components, and this estimate increases the program's current travel budget of \$33,000 to \$60,000 to comply with the outreach requirement. Additional office space would have to be secured for the 15 staff, at an estimated cost of \$30,000 per year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office Of The Governor, 308 State Auditor's Office, 324 Department of Human Services, 701 Texas Education Agency - Administration

LBB Staff: JK, CT, RN, UP

LEGISLATIVE BUDGET BOARD
Equalized Education Funding Impact Statement

April 28, 1999

TO: Honorable Paul Sadler, Chair
Committee on Public Education
House
Austin, Texas

IN RE: House Bill No. 937,
Committee Report 1st House,
Substituted
By: Maxey

FROM: John Keel, Director

In response to your request for a Equalized Education Funding Impact Statement on HB937 (relating to the operation of certain food programs administered by the Texas Department of Human Services) this office has determined the following:

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

LEGISLATIVE BUDGET BOARD
Equalized Education Funding Impact Statement

March 23, 1999

TO: Honorable Paul Sadler, Chair
Committee on Public Education
House
Austin, Texas

IN RE: House Bill No. 937
By: Maxey

FROM: John Keel, Director

In response to your request for a Equalized Education Funding Impact Statement on HB937 (Relating to the transfer and operation of certain child and adult nutrition programs) this office has determined the following:

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 937, by: Marey Ellis,
(Bill No.) (Author/Sponsor)

was heard by the Senate Human Services Committee on May 14, 1999,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Scott Caffey
(Clerk of the reporting committee)

IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION
(COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE,
E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor.
Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.

ENROLLED

H.B. No. 937

AN ACT

relating to the operation of certain food programs administered by the Texas Department of Human Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.024, Human Resources Code, is amended by adding Subsections (k)-(m) to read as follows:

(k) The department shall develop and implement an outreach program to increase participation in the summer program if funds are appropriated or otherwise made available for that purpose. The department shall design the outreach program to:

(1) increase participation of children from low-income families;

(2) increase the number of summer programs offered across this state, with particular emphasis on increasing programs in needy communities;

(3) encourage school districts and public and private nonprofit agencies to form partnerships to develop summer programs that combine educational activities, such as reading enrichment, with the provision of meals; and

(4) promote any other goal established by the department relating to increased participation in the summer program.

(l) The outreach program required by Subsection (k) must target communities and schools that have the highest percentage of

1 eligible children and include:

2 (1) presentations to public schools, public entities,
3 and private nonprofit agencies that would be eligible to
4 participate in the summer program;

5 (2) dissemination of information regarding eligibility
6 requirements and application procedures;

7 (3) continual support and technical assistance to
8 existing programs to increase participation levels and to ensure
9 that the programs continue to operate; and

10 (4) public service announcements that publicize the
11 summer program and that appear on local television and radio
12 stations.

13 (m) The department shall administer a grant program designed
14 to encourage eligible organizations to serve as local sponsors or
15 meal preparation sites for the summer program by awarding a
16 financial supplement for each meal served from funds appropriated
17 or otherwise made available for that purpose.

18 SECTION 2. Chapter 33, Human Resources Code, is amended by
19 adding Section 33.026 to read as follows:

20 Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED
21 NOTICES AND ADVISORY COMMITTEE AUTHORITY. (a) Before adopting or
22 changing a department rule or policy relating to the federal Child
23 and Adult Care Food Program, the department shall submit the
24 proposed action to the department's advisory committee on that
25 program for comment, unless immediate action is required by federal
26 law. If immediate action is required by federal law, the
27 department shall submit the action for comment at the earliest

1 possible date.

2 (b) The department shall provide written notice to each
3 sponsoring organization of any modification or clarification of
4 department rules or policies relating to the federal Child and
5 Adult Care Food Program. Notice provided through electronic mail
6 is considered to be written notice for purposes of this subsection.

7 (c) The department's advisory committee on the federal Child
8 and Adult Care Food Program may:

9 (1) conduct public hearings in accordance with
10 department procedures;

11 (2) refer issues relating to the program to the board
12 for discussion; and

13 (3) recommend modifications to the department's
14 training programs for sponsoring organizations and other persons
15 participating in the program.

16 SECTION 3. Chapter 33, Human Resources Code, is amended by
17 adding Section 33.027 to read as follows:

18 Sec. 33.027. CHILD AND ADULT CARE FOOD PROGRAM: ELECTRONIC
19 FILING. (a) In administering the federal Child and Adult Care
20 Food Program, the department shall, unless prohibited by federal
21 law, permit a sponsoring organization or other person participating
22 in the program to submit applications and other required
23 information to the department in an electronic format or through
24 the use of electronically produced forms.

25 (b) The department may implement Subsection (a) by
26 developing necessary computer systems or by using computer systems
27 developed or made available for that purpose by a sponsoring

1 organization or other appropriate person.

2 SECTION 4. (a) Except as provided by Subsection (b) of this
3 section, this Act takes effect September 1, 1999.

4 (b) Section 3 of this Act takes effect January 1, 2001.

5 SECTION 5. The importance of this legislation and the
6 crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 937

President of the Senate

Speaker of the House

I certify that H.B. No. 937 was passed by the House on May 11, 1999, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 937 was passed by the Senate on May 24, 1999, by a viva-voce vote.

Secretary of the Senate

APPROVED:

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 937₍₁₎ was passed by the House
on May 11₍₂₎, 1999, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 937 was passed by the Senate
on May 24₍₃₎, 1999, by a viva-voce vote.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT25;

76TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only

Bill or Resolution Number: HB 937

Glen Moxey
signature of primary author

Glen Moxey
printed name of primary author

1-26-99
Date

PERMISSION TO SIGN HB 937 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES
☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u> </u> Date	<u>A2600 Counts</u>	<u> </u> Date	<u>A2795 Farabee</u>	<u> </u> Date
<u>A2115 Allen</u>	<u> </u> Date	<u>A2605 Crabb</u>	<u> </u> Date	<u>A2810 Farrar</u>	<u> </u> Date
<u>A2105 Alvarado</u>	<u> </u> Date	<u>A2610 Craddick</u>	<u> </u> Date	<u>A2840 Flores</u>	<u> </u> Date
<u>A2135 Averitt</u>	<u> </u> Date	<u>A2615 Crownover</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date
<u>A2160 Bailey</u>	<u> </u> Date	<u>A2645 Cuellar</u>	<u> </u> Date	<u>A2930 Garcia</u>	<u> </u> Date
<u>A2205 Berman</u>	<u> </u> Date	<u>A2635 Culberson</u>	<u> </u> Date	<u>A2940 George</u>	<u> </u> Date
<u>A2250 Bonnen</u>	<u> </u> Date	<u>A2670 Danburg</u>	<u> </u> Date	<u>A2935 Giddings</u>	<u> </u> Date
<u>A2275 Bosse</u>	<u> </u> Date	<u>A2620 Davis, John</u>	<u> </u> Date	<u>A2880 Glaze</u>	<u> </u> Date
<u>A2260 Brimer</u>	<u> </u> Date	<u>A2625 Davis, Yvonne</u>	<u> </u> Date	<u>A2985 Goodman</u>	<u> </u> Date
<u>A2265 Brown, Betty</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date	<u>A2990 Goolsby</u>	<u> </u> Date
<u>A2270 Brown, Fred</u>	<u> </u> Date	<u>A3385 Denny</u>	<u> </u> Date	<u>A3005 Gray</u>	<u> </u> Date
<u>A2255 Burnam</u>	<u> </u> Date	<u>A2690 Deshotel</u>	<u> </u> Date	<u>A3000 Green</u>	<u> </u> Date
<u>A2300 Capelo</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A3010 Greenberg</u>	<u> </u> Date
<u>A2400 Carter</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date	<u>A3020 Grusendorf</u>	<u> </u> Date
<u>A2585 Chavez</u>	<u> </u> Date	<u>A2660 Dunnam</u>	<u> </u> Date	<u>A3030 Gutierrez</u>	<u> </u> Date
<u>A2480 Chisum</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2525 Christian</u>	<u> </u> Date	<u>A2770 Edwards</u>	<u> </u> Date	<u>A2695 Hamric</u>	<u> </u> Date
<u>A2520 Clark</u>	<u> </u> Date	<u>A2760 Ehrhardt</u>	<u> </u> Date	<u>A3160 Hardcastle</u>	<u> </u> Date
<u>A2435 Coleman</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A3170 Hartnett</u>	<u> </u> Date
<u>A2565 Cook</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date	<u>A3345 Hawley</u>	<u> </u> Date
<u>A2595 Corte</u>	<u> </u> Date	<u>A2790 Ellis, Dan</u>	<u> </u> Date	<u>A3180 Heflin</u>	<u> </u> Date

For chief clerk use only
Bill or Resolution Number: HB 937

A3310 Hilbert	Date	A3715 Madden	Date	A4435 Shields	Date
A3250 Hilderbran	Date	A3750 Marchant	Date	A4445 Siebert	Date
A3275 Hill	Date	A2700 Maxey	Date	A4525 Smith	Date
A3270 Hinojosa	Date	A3665 McCall	Date	A4530 Smithee	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4550 Solis, Jim	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4560 Solis, Juan	Date
A3325 Horner	Date	A3840 Merritt	Date	A4505 Solomons	Date
A3320 Hope	Date	A3855 Moreno, Joe	Date	A4515 Staples	Date
A3315 Howard	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3355 Hunter	Date	A3870 Morrison	Date	A4585 Talton	Date
A3360 Hupp	Date	A3865 Mowery	Date	A4605 Telford	Date
A3375 Isett	Date	A3885 Naishtat	Date	A4630 Thompson	Date
A3415 Janek	Date	A3890 Najera	Date	A4635 Tillery	Date
A3410 Jones, Charles	Date	A3895 Nixon, Joe	Date	A4650 Truitt	Date
A3405 Jones, Delwin	Date	A3900 Noriega	Date	A2730 Turner, Bob	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4685 Turner, Sylvester	Date
A3440 Junell	Date	A3886 Olivo	Date	A4690 Uher	Date
A3475 Keel	Date	A4010 Palmer	Date	A4695 Uresti	Date
A3480 Keffer	Date	A4180 Pickett	Date	A4720 Van de Putte	Date
A3470 King, Phil	Date	A4185 Pitts	Date	A4990 Walker	Date
A3465 King, Tracy	Date	A4200 Puento	Date	A4995 West, George "Buddy"	Date
A3485 Krusee	Date	A4210 Ramsay	Date	A5035 Williams	Date
A3450 Kuempel	Date	A4240 Rangel	Date	A5000 Wilson	Date
A3510 Laney	Date	A4245 Reyna, Arthur	Date	A5020 Wise	Date
A3520 Lengefeld	Date	A4236 Reyna, Elvira	Date	A5015 Wohlgemuth	Date
A3605 Lewis, Glenn	Date	A4250 Ritter	Date	A4980 Wolens	Date
A3600 Lewis, Ron	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3615 Longoria	Date	A4380 Salinas	Date	A5025 Yarbrough	Date
A3620 Luna, Vilma	Date	A4420 Seaman	Date	A5040 Zbraneck	Date

Relating to the transfer and operation of certain child and adult nutrition programs.

JAN 26 1999

Filed with the Chief Clerk

FEB 09 1999

Read first time and referred to Committee on

Public EducationAPR 20 1999Reported favorably (~~unfavorably~~)
(as substituted)APR 29 1999Sent to Committee on (~~Education~~)
(Local & Consent Calendars)MAY 11 1999Read second time (comm. subst.) (~~unfavorably~~); passed to third reading (~~unfavorably~~) by a (non-record vote)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not votingMAY 11 1999Read third time (~~unfavorably~~); finally passed (~~unfavorably~~) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)MAY 11 1999

Engrossed

MAY 11 1999

Sent to Senate

Sharon Carler

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 11 1999

Received from the House

MAY 12 1999

Read and referred to Committee on

HUMAN SERVICESMAY 14 1999

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 24 1999Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)MAY 24 1999Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)MAY 24 1999Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 naysMAY 24 1999Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)May 24, 1999

Returned to the House

Lizy King

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 24 1999

Returned from the Senate (~~as substituted~~)
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,
_____, _____, _____

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

99 APR 29 AM 11:49

HOUSE OF REPRESENTATIVES